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10/589,392

10/16/2006

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EXAMINER

HINZE, LEO T

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/589,392 | Applicant(s) KOBAYASHI ET AL. | |
| | Examiner LEO T. HINZE | Art Unit 2854 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 29 January 2009 have been fully considered but they are not persuasive.

a. Applicant argues on pp. 5-6 that Hiraga fails to teach that the exposed second print face is compressed until the frame member comes into contact with a stamping object medium. The examiner agrees. Hiraga is silent as to whether the platen (25, Fig. 1) is resilient enough to compress under the force of printing such that the unlabeled structural member surrounding the platen touches the stamping object medium.

b. Applicant argues on p. 6 that the combination of Hiraga and Bengtsson also fails to teach that the exposed second print face is compressed until the frame member comes into contact with a stamping object medium. The examiner disagrees. Applicant argues that the combination of Hiraga and Bengtsson that results in Hiraga having a printing face on platen 25 would only place printing blocks on the outside face of platen 25. Instead, it is equally likely that the combination would result in the complete replacement of platen 25 of Hiraga with the self-inking printing block 3 of Bengtsson. Such a combination would result in a compressible print member that could apparently compress to such a distance that would allow the unlabeled frame member surrounding the printing member to touch the stamping object medium (Bengtsson: "printing blocks 3 contains logotypes or similar characters requiring a relatively high printing pressure,"

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col. 4, ll. 14-16, which implies that the printing block compresses under pressure in order to force ink from the block onto the printing medium).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiraga et al., US 4,970,952 A (hereinafter Hiraga) in view of Bengtsson, US 4,858,526 A (hereinafter Bengtsson).

a. Regarding claim 1:

Hiraga teaches a stamp comprising: a first print body (10-13, Fig. 1) which is fixed to a main body case (1, Fig. 1) and has a first print face (see unlabeled print faces

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on 10-13, Fig. 1) for forming a print image; a second body (25, Fig. 1) which has an exposure hole through which the first print face is exposed (25b, Fig. 2) and a second face for forming the print image with the first print face exposed through the exposure hole; and a restricting member which holds the second print body and restricts a distance in which the second print face is compressed when the main body case is pressed down at the time of making stamp (unlabeled cylindrical housing holding face 25 appears to limit the amount that face 25 can be compressed, Figs. 1 and 2); a holding member which holds the second print body from an opposite side of the second print face (see upper portion of unlabeled frame member surrounding item 25, Figs. 1, 2); a frame member which nips the second print body with the holding member such that the second print face is exposed (see lower portion of unlabeled frame member surrounding item 25, Figs. 1, 2); and a damper member which makes contact with the main body case and the frame member, wherein the restricting member is constituted of the frame member and the damper member and when stamping is made, the damper member is compressed so that the frame member is pressed down (damper member 25a, Fig. 2; main body 1 pushes down on spring, causing platen 25 and printing faces 10-13 to be co-planar and printing faces 10-13 to create an impression).

Hiraga does not teach wherein the second body has a second print face; and wherein when the damper member is compressed the exposed second print face is compressed until the frame member comes into contact with a stamping object medium.

Bengtsson teaches a self-inking printing block for forming a print image on a stamping object (3, Fig. 6); a second print face for forming a print image on said

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stamping object by synthesizing with the print image of said first print face (20, Fig. 3); and wherein said first print face and said second print face are matched with each other at the time of stamping (both faces stamp an image on the substrate, col. 2, ll. 44-48). The first print face is advantageous for printing the name of a company or the designation of a place (col. 2, ll. 45-46), and the second for printing a date (col. 2, l. 48). Bengtsson also teaches that applied pressure can have an effect on the clarity of printed matter (col. 4, ll. 24-26).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hiraga to replace the second body with a print face for forming a print image together with the first print face, as taught by Bengtsson, because one having ordinary skill in the art would recognize that this combination would predictably allow the device of Hiraga to print additional information, such as the name of a company or the designation of a place. This combination would also result in placement of a compressible member in place of the platen 25 of Hiraga, which would allow the unlabeled frame member of Hiraga that surrounds the platen to contact the stamping object medium when pressure is applied to the main body case.

b. Regarding claim 3, the combination of Hiraga and Bengtsson teaches the stamp according to claim 1, as discussed in the rejection of claim 1 above. The combination of Hiraga and Bengtsson also teaches wherein the first print face is disposed at a position receding from the second print face in an opposite direction of the stamping direction when no stamping is made, and the damper member is compressed so that the first print face and the second print face become flush with each other when the main body

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case is pressed down at the time of making stamp (Hiraga: damper 25a keeps the first printing face recessed in non-printing position, Figs. 1 and 2, but compressing damper 25a allows first printing faces 10-13 to make a print on a substrate).

c. Regarding claim 4, the combination of Hiraga and Bengtsson teaches the stamp according to claim 1, as discussed in the rejection of claim 1 above. The combination of Hiraga and Bengtsson also teaches an elastic member which makes contact with the main body case and the first print body, wherein the elastic member is compressed so that the first print face and the second print face become flush with each other when the main body case is pressed down at the time of making stamp (Hiraga: spring 25a, Fig. 1, is an elastic member).

d. Regarding claim 5, the combination of Hiraga and Bengtsson teaches the stamp according to claim 1, as discussed in the rejection of claim 1 above. The combination of Hiraga and Bengtsson also teaches wherein the damper member has greater flexibility than the exposed second print face. The spring 25a of Hiraga appears to be more “flexible” than the print block 3 of Bengtsson: for example, it appears that one could stretch the spring in an extended manner much further than one could stretch the printing block, therefore making the spring more flexible than the print face.

e. Regarding claim 6, the combination of Hiraga and Bengtsson teaches the stamp according to claim 1, as discussed in the rejection of claim 1 above. The combination of Hiraga and Bengtsson also teaches wherein compression of the exposed second print face is restricted at a position where the frame member makes contact with the stamping object medium (it appears that because the frame member is rigid, the second

print face cannot be further compressed once the frame member touches the stamping object medium) because the damper member keeps contact with only the main body case and the frame member (Hiraga: it appears that the spring 25a touches, or “keeps contact with,” only the main body case and the frame member, Figs. 1, 2).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is 571.272.2864. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571.272.2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leo T. Hinze
Patent Examiner
AU 2854
29 April 2009

/Judy Nguyen/
Supervisory Patent Examiner, Art Unit 2854